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OCT 01 2009

OFFICE OF PETITIONS

In re Application of	:	
Mourou, et al.	:	
Application No. 09/775,069.	:	DECISION ON PETITION
Filed: February 1, 2001	:	
Attorney Docket No. 30275/939B	:	

This is in response to the petition to revive under 37 CFR 1.137(b), filed September 4, 2009.

The petition is **GRANTED**

The application became abandoned for failure to file a proper reply to the final Office action mailed December 29, 2008. This Office action set a shortened statutory period for reply of three (3) months for applicants to submit a supplemental reissue oath or declaration. On June 29, 2009, applicants filed a supplemental reissue declaration lacking the signature of all of the inventors, together with a petition under 37 CFR 1.47. However, in a decision mailed on July 29, 2009, the petition was dismissed as inappropriate. The decision explained that a petition under 37 CFR 1.47 was only applicable to the 37 CFR 1.63 oath or declaration submitted on filing, and that a petition under 37 CFR 1.183 was the proper avenue when an inventor was refusing to sign or could not be located to sign a supplemental declaration. No proper reply having been received, the application became abandoned on June 30, 2009. The Office mailed a Notice of Abandonment on August 21, 2009.

With the instant petition, petitioner made the proper statement of unintentional delay, paid the petition fee, and submitted the required reply in the form of a petition under 37 CFR 1.183.

The application is being retained in the Office of Petitions for consideration of the petition under 37 CFR 1.183, filed on September 4, 2009.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions